IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29263 of 2007(H)

PETITIONER:

C. PRAKASH,
NON-VOCATIONAL TEACHER IN ENGLISH,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
MUTTARA, KOTTARAKKARA, KOLLAM.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. STATEA OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

3. THE PRINCIPAL, GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, MUTTARA, KOTTARAKKARA, KOLLAM.

BY SR. GOVERNMENT PLEADER SMT. M.R. SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ALONG WITH W.P.(C)NO.29279 0F 2007 ON 03 /10 /2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)Nos.29263 & 29279 OF 2007

Dated this the 3rd day of October, 2007

JUDGMENT

The petitioners in these two writ petitions were appointed by transfer from the post of L.D. Clerks to the post of Non-Vocational Teachers in English in the Vocational Higher Secondary Education Department. At the time of such appointments, the qualifications prescribed was as in Ext.P2. The petitioners did possess the qualifications prescribed as per Ext.P2. The petitioners are continuing as such for the past eight years. The special rules for the post of Non-Vocational Teacher in English in Vocational Higher Secondary Education Department was framed on 12.3.04. As per the same, pass in SET was a necessary qualification. In view of the same, the petitioners are sought to be reverted as L.D. Clerks. The petitioners challenge the same.

2. The petitioners submit that the petitioners have already acquired a vested right to continue as Non-Vocational Teacher in English in view of the fact that at the time of their

appointments, the petitioners were validly appointed having the prescribed qualifications as obtaining then. They also point out that in respect of Higher Secondary School Teachers in Government Higher Secondary Schools and Aided Higher Secondary Schools, similarly appointed teachers have been exempted from the requirement of pass in SET. It is also pointed out that in Vocational Aided Higher Secondary Schools also such exemption has been granted. They would therefore submit that the Non-Vocational Teachers in Vocational Higher Secondary Education Department alone has been discriminated in the matter. The petitioners therefore challenge the said prescription.

3. I have heard the learned Government pleader also. In three other writ petitions, I had today directed the Government to take a decision on the matter treating similar writ petitions as representations filed by the respective petitioners. I am satisfied that similar direction can be issued in these writ petitions also.

4. Accordingly, I direct the 1st respondent to take a decision in the mater treating these writ petitions as representations filed in that regard, as expeditiously as

possible, at any rate, within two months from the date of receipt of a copy of this judgment. Till orders are passed the petitioners shall not be reverted from the post. The petitioners shall also be afforded an opportunity of being heard. Along with certified copies of this judgment each of the petitioners shall forward copy of their writ petition to the 1st respondent for compliance.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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